

Claim 15 is amended above to include the requirement of a chip having a plurality of neurotropic electrodes. Support is found in claim 7 as originally filed. No new subject matter is entered.

Formal drawings are provided along with a letter to the Official Draftsperson. Such drawings overcome the Draftsperson's objections under 37 C.F.R. 1.84 or 1.152 of the informal drawings originally filed with the application.

Claims 1 - 6 and 9 - 14 stand rejected under 35 U.S.C. 102(b) as being anticipated by Wolpaw et al. (US 5,638,826). Applicants respectfully disagree with the rejection and offer the following arguments in support thereof.

Claims 1 and 9 clearly require input circuits adapted to receive electromyographic signals. Wolpaw does not teach use of electromyographic signals to position a pointer or make selections as required by Applicants' claims 1 and 9. In fact, Wolpaw describes electromyographic activity as a non-EEG (electroencephalographic) artifact which must be eliminated to prevent these from masquerading as EEG. Wolpaw teaches using frequency analysis in his DSP (digital signal processor) system to detect these artifacts and prevent them from interfering with performance online. Wolpaw states that the true EEG signals are confined to a narrow band near 10 Hz whereas in contrast electromyographic activity is broad banded, increasing with frequency to a maximum above 100 Hz (column 9 line 63 to column 10 line 28).

Wolpaw therefore teaches away from use of electromyographic signals as required by claims 1 and 9. Wolpaw does not

anticipate claims 1 and 9. The rejection of Applicants' claims 1 and 9 under 35 U.S.C. 102(b) is incorrect and must be withdrawn. Applicants respectfully request such withdrawal and allowance of claims 1 and 9.

Claims 2 - 6 and 10 - 14 are all dependent directly or indirectly on allowable claims 1 and 9 and are therefore also allowable. Allowance is urged.

Claims 7, 8, and 15 - 18 stand rejected under 35 U.S.C. 103(a) as unpatentable over Wolpaw and Humphrey (US 6,171,239). Applicants disagree with this rejection and offer the following argument in support of allowance for claims 7, 8, and 15 - 18. The Examiner correctly states that Wolpaw does not teach a chip having a plurality of neurotropic electrodes connected to a plurality of input circuits as required by Applicants' claim 7 or a chip having a plurality of electrodes and a plurality of input circuits coupled to a sequential control circuit as required by Applicants' claim 15. Although Humphrey describes chips within the body of a subject coupled to an electrode array (column 4 lines 44 - 54), there is no mention of a chip having a plurality of neurotropic electrodes as required by Applicants' claims 7 and 15. The rejection under 35 U.S.C. 103(a) is therefore improper and must be withdrawn. Claims 7 and 15 are allowable.

Claims 8 and 16 - 18 are all dependent directly or indirectly on allowable claims 7 and 15 and are therefore also allowable. The Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. 103(a) and allow claims 7, 8, and 15 - 18.

The Application is deemed in condition for allowance

and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P. Sections 707, 707.07(d) and 707.07(j) in order that allowable claims can be presented, thereby placing the application in condition for allowance without further proceedings being necessary.

Respectfully submitted,

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